

**California Department of Transportation
Native American Advisory Committee
Quarterly Meeting Minutes
August 4, 2004**

Chairman Joseph Myers called the meeting to order at 9:00 am.

Welcome and Introductions: Chairman Myers welcomed everyone to the meeting. Introductions were made after the roll call.

Roll Call: Committee members in attendance were Joel Bravo, Janice McGinnis, Samuel Elizondo, Joseph Garcia Sr., Garth Sundberg, Joe Loya, Deron Marquez, San Manuel Band of Mission Indians; Meyo Marrufo, Joey Martinez alternate for Dave Nenna, Patricia Ockert, Ben Scerato and Kathy Wallace.

Director's Representatives in attendance were Brian Smith, Deputy Director, Planning and Modal Programs; Joan Sollenberger, Division Chief, Division of Transportation Planning; and Cynthia Gomez, Chief of the Native American Liaison Branch.

Others in attendance: Jila Priebe, Department of Transportation (DOT) Native American Liaison Branch; Manuel Hamilton, Ramona; Jo Sanford; Ronda Mottlow, Big Valley Rancheria; Jim McGinnis, Bear River; Curtis Grinnell, BIA Roads; Karen Nissen, Department of Transportation (DOT) District 6; Michelle Fell, DOT District 1; Stan Anderson, Tuolumne Band of Me-Wuk Indians; Irenia Quitiquit, California Bay-Delta Authority; Newell Mann, Federated Indians of Graton Rancheria; Jerry Paresa, San Manuel Band of Mission Indians; Marion C. Quitiquit Sr., Robinson Rancheria Citizen's Business Council (RRCBC); Mario Orso, DOT District 11; Jim Fletcher, Southern California BIA Agency; Jakki Kehl, Mutsun Ohlone; Kathleen McClafflin, DOT District 10; Lawrence Stra, Cloverdale Rancheria of Pomo Indians; Kathleen Sartorius, DOT North Region (D-1); Cassandra Hensher; Sherry Johnstone, DOT Title VI; Lois Lockart, Redwood Valley Reservation; Nieves Castro, DOT Regional Outreach Branch; and Cynthia MacMillan, Elk Valley Rancheria.

Adopt Agenda: Joe Loya added Southern California update to the agenda. The Committee accepted the agenda.

Approve Minutes: The minutes of the May 5, 2004 meeting were approved. Motion by Ben Scerato; seconded by Joe Garcia. Vote was 13 Yes, 0 against.

OLD BUSINESS:

1. Addition to the NAAC Board to fill Vacancy Chairman Myers relayed to the Committee that he would like to have Bo Mazzetti return to the NAAC, he also mentioned that the way Committee membership stands today there is an opening to add Mr. Mazetti as a member. Ben Scerato pointed out to the NAAC that Mazzetti was not present; therefore, he did not see it appropriate to grant his interest while he was absent.

Upon further discussion the NAAC expressed that NAAC members need to be present, and should only send their alternates when there was an emergency, not at as a regular practice.

Election for NAAC Secretary: There was no vote to elect a NAAC Secretary; the Committee will wait until the new members come on board in January 2005.

2. NAAC Nominations for 2005/2006

Cynthia Gomez mentioned that it is time to solicit nominations for the member seats whose terms are ending this year (2004). Therefore, nomination forms were put in each member's package. She mentioned that the Charter calls for 18 members, at least 12 have to be from a federally recognized tribe. After, receiving nominations from tribes and organizations, the NAAC will nominate and make recommendations to the Department's Director through Brian Smith. Cynthia also informed the NAAC that the Director has confirmed every one of the NAAC's recommendations. The Charter does not outline minimum qualifications required to be a member, although a biography and a resume are requested.

Chairman Myers suggested that the Charter should be changed to specify the number of times that the elected member can send the alternate in his/her absence to the meeting. No motion taken.

Mr. Scerato stated that although at this meeting there is a good attendance from the Bureau of Indian Affairs (BIA), in the past the BIA has not attended these meeting regularly. Cynthia explained that she sends Kanu Patel the NAAC meeting schedule for the year each January. Kanu explained that there are often scheduling conflicts. However, Kanu explained that between him, Curtis Grinnel and Joey Silivas they should be able to have a BIA representative at each meeting in the future.

3. Federal Indian Programs/Offices, US Department of the Interior, BIA Kanu Patel, BIA Regional Roads Engineer, gave a presentation on the new computerized road inventory process. He mentioned that the BIA Regional Office would enter the information into the system on behalf of the Tribes. Tribes cannot input directly since the BIA does not have Internet. If the Tribe attempts to give the information to the Central Office directly they will be referred back to the Regional Office. Kanu also explained the Average Daily Traffic (ADT) count, Vehicle Miles Traveled (VMT) and Long Range Transportation Plan are requirements. The NAAC expressed frustration over BIA procedures. Cynthia and Kanu explained that the Regional Office has to comply with Central Office requirements; Kanu is only explaining the process. Cynthia also explained the difference between state funding and federal funding procedures, which contribute to difficulties in Tribal efforts for Transportation funding.

Stan Anderson pointed out that the formula has not changed despite NAAC comments, suggestions, input, and recommendations and it still favors larger Tribes.

Cynthia announced that the Department is working with BIA to get Average Daily Traffic (ADT) counts, which are an important element for the Indian Reservation Roads (IRR) inventory, which affects funding coming into California. Most of the Tribes in Southern California have completed Traffic Circulation Reports that contain this information, but the Central Valley and Northern California need to be completed.

The NAAC requested Department staff invite Leroy Gishi, BIA Central Office, to provide an informational presentation to follow-up on Kanu's presentation. Motion by Joe Loya; seconded by Kathy Wallace. Vote was 13 Yes, 0 against.

James Fletcher, Southern California BIA Agency, spoke about the Southern California fires. Because of the fires it became evident that there is a need for Emergency Evacuation Plans not only in Barona and San Pascual, other Tribes are facing similar circumstances. There were 16 deaths, 14 were in Indian Country. There was no communication because phone lines melted and cell phone towers went down. There should be alternate routes, better communication, as well as improved relationships between Tribes, local governments and Metropolitan Planning Organizations (MPOs)/Regional Transportation Planning Agencies (RTPAs) to avoid future disasters.

4. Southern California Update James Fletcher's discussion led into the additional agenda item requested by Member Loya regarding Southern California. Mr. Loya is working on a seat as a voting member with the Southern California Association of Governments (SCAG) regarding Tribal Transportation issues. This will set a precedent for the nation for local transportation planning organizations communicating with Tribal Governments early in the planning process.

5. Environmental Justice Norman Dong, Caltrans Environmental Coordinator, gave to the NAAC an Environmental Justice (EJ) presentation. The presentation included existing legislation, regulations, the Director's Policy and a Deputy Directive regarding how the Department satisfies EJ and Title VI in the Department's Planning practices. The presentation gave an overview of EJ origins, history, principles and examples. The presentation was supplemented with hard copies of the presentation provided in each member's package. Norman also announced that the Department is currently accepting applications for EJ grants which are due October 1, 2004. Also, as opposed to previous practice the Tribes may apply directly to the Department rather than having to go through an MPO, RTPA, city or county.

6. Office of Traffic Safety Grant Status The grant has been awarded. Currently, the Department is waiting for budget authority to be able to proceed. This is an internal administrative issue. The Department anticipates having the project out to bid in a few months.

7. Highway Landscaping Subcommittee Report Ms. Kathy Wallace distributed copies of the last subcommittee meeting minutes. The subcommittee is promoting the use of native plants for landscaping. The subcommittee is discussing how to distribute and

publicize their final packages. Ms. Wallace also expressed interest in conducting a workshop once the package is done.

8. Legislative Subcommittee Report Cynthia shared with the NAAC that the Reauthorization Conference Committee will meet in September 2004. Cynthia also provided the NAAC with proposed legislation affecting Tribes (SB 1189, SB 18, AB 3089, AB 2162).

Ms Patricia Ockert proposed to establish a formal Legislative Subcommittee. Brian Smith reminded the NAAC that the purpose of the NAAC is to provide recommendations to the Department; the NAAC was not developed for lobbying.

A decision was made to establish a three person Legislative Subcommittee, three members volunteered: Joe Loya, Pat Ockert and Ben Scerato. Motion was made by Pat Ockert to accept the three NAAC members as the Legislative Subcommittee; seconded by Sam Elizondo. Vote was 13 Yes, 0 against.

9. California & Nevada Tribal Technical Assistance Program (TTAP) Report Evan Hong, Director for the TTAP was not present. Jila informed the NAAC that Evan had provided an update of the past and current year training sessions that TTAP has provided, or is in the process of providing, for tribes in California and Nevada. After reviewing provided materials and announcements by TTAP, several members expressed their concerns regarding the lack of technical training for California tribes by the TTAP. It was discussed that maybe California tribes need to talk to Federal Highway Administration (FHWA) and BIA to separate the funding for California and Nevada so California tribes would get some benefit from the funds that are given to the TTAP organization. Jila also mentioned that there are two proposed training sessions in California one is for a "Monitoring training/workshop," scheduled for September 30-October 1, and the other is for the "Development of a Long Range Transportation Plan for Tribes" (date to be announced later). Both of these trainings are done in coordination and partnership with the Departments' Native American Liaison Branch.

10. Environmental Subcommittee Report Jila informed the NAAC that the Environmental Subcommittee had last met on May 19, 2004. The Committee is still working on a Memo/Policy regarding Section 106 and government-to-government consultation to clarify the difference between the two. The Committee is still gathering input from the Tribes. The next meeting is on August 17, 2004.

11. Other Items Chairman Myers introduced Jakki Kehl, Mutsun Ohlone. Ms. Kehl concerns were regarding the Department's policies and action on protection of cultural resources, and the conduct of the consulting firms hired for projects. Ms. Kehl concerns were specifically on a Department project within District 5 in the county of San Benito. She mentioned that during the project the Department did not follow up with it's own policies or federal regulations for conducting meaningful consultation with the Tribe, particularly when the excavation encountered human remains on the site.

She mentioned in despite of several requests that she made to the Department and the Contractor to delay the project, prior to beginning the project and at the site, the projects commenced. Ms. Kalh also stated that the Department and the Contractor would not answer any of her questions. She stated that the Department is not consulting early on in the process and is not giving opportunity for input.

Chairman Myers told the NAAC that her concerns are being looked into. Brian Smith stated that the Department is taking this complaint very seriously. There has been an internal meeting to discuss this issue and there is also an investigation to determine where procedures were not followed and how to correct it.

Member Wallace extended an invitation to anyone who would like to attend the next Highway Landscaping Subcommittee meeting to be held on November 2, 2004 at 1pm at the Elk Grove station. For specific directions, members were directed to contact Cynthia.

Adjournment Meeting adjourned. Motion by Pat Ockert; seconded by Kathy Wallace. Vote was 13 Yes, 0 against.